

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates To:

All Cases

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) MDL No. 1:13-md-2419-FDS
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**CHAPTER 11 TRUSTEE’S RESPONSE TO REQUEST FOR PRESERVATION
OF EVIDENCE BY LAREDO & SMITH, LLP ON BEHALF OF J. DOES 5-10
AND OTHER SIMILARLY SITUATED CLIENTS**

Paul D. Moore, in his capacity as Chapter 11 Trustee (the “Trustee”) of the Defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”), hereby submits this response to the Request for Preservation of Evidence, which was filed by Laredo & Smith, LLP on July 12, 2013 [Docket No. 289] (the “Laredo Preservation Request”). The Laredo Preservation Request is identical to three other preservation requests which the Trustee addressed in its Chapter 11 Trustee’s Response to Preservation Requests Filed by (I) Clements & Pineault, LLP, (II) K&L Gates LLP, and (III) Donoghue Barrett & Singal P.C. [Docket No. 319] (the “Trustee’s Response”). See Docket Nos. 234, 264, and 315. The Trustee incorporates the Trustee’s Response by reference and respectfully requests that this Court deny the Laredo Preservation Request for all of the reasons stated in the Trustee’s Response.

WHEREFORE, the Trustee respectfully requests that this Court (i) deny the Laredo Preservation Request, and (ii) grant the Trustee such other and further relief as this Court deems just and proper.

Dated: July 18, 2013

Respectfully submitted,

DUANE MORRIS LLP

/s/ Michael R. Gottfried

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capacity as Chapter 11 Trustee of the
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Pharmacy, Inc., d/b/a New England
Compounding Center

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on July 18, 2013.

/s/ Michael R. Gottfried

Michael R. Gottfried